

### REMARKS

Within the Office Action, the claims 1-21 have been subject to a restriction and/or election requirement. The Restriction Requirement indicates that Group I claims (drawn to a light emitting diode) and Group II claims (drawn to a method of making a light emitting diode) are directed to distinct inventions. The Applicants note that Group I claims include Claims 12-21 and Group II claims include Claims 1-11. The Applicants elect, without traverse, Group I including Claims 12-21 for continued prosecution. The Applicants expressly reserve the right to file a divisional application directed toward the non-elected group.

As a result of this election, Claims 12-21 remain pending in this application. The Applicants respectfully request examination and reconsideration in view of the amendments above and remarks above.

Should the Examiner have any questions or comments, they are encouraged to call the undersigned at (408) 530-9700 to discuss the same so that any outstanding issues can be expeditiously resolved.

Respectfully submitted,  
HAVERSTOCK & OWENS LLP

Dated: April 11, 2005

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#### CERTIFICATE OF MAILING (37 CFR § 1.8(a))

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450

HAVERSTOCK & OWENS LLP.  
Date: 4/11/05 By: [Signature]